

Customer No. 24113
 Patterson, Thunte, Skaar & Christensen, P.A.
 4800 IDS Center
 80 South 8th Street
 Minneapolis, Minnesota 55402-2100
 Telephone: (612) 349-5740
 Facsimile: (612) 349-9266

Attorney Docket No. 3275.06US03

19270 U.S. PTO
 10/822642

CONTINUING APPLICATION TRANSMITTAL

Mail Stop Patent Application
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

This is a request for filing a

☐ Continuation ☒ Divisional

application, under 37 C.F.R. § 1.53(b), of pending prior Application No. 10/229,937, filed August 28, 2002 for: OPTICAL FIBER PREFORMS by: Craig R. Horne, Jesse S. Jur, Ronald J. Mooso, Eric G. Euvard, and Xiangxin Bi. The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

Enclosed are:

- ☒ Specification and Abstract - 77 pages
☒ Preliminary Remarks - 2 pages
☒ Drawings - 18 sheets (Figs. 1-30)
☒ Combined Declaration and Power of Attorney - 6 pages
☐ Newly executed
 or
☒ Copy from prior application

The filing fee has been calculated as shown below:					
	No. Filed	No. Extra	Small Entity Rate	OR	Large Entity Rate
Basic Fee			\$ 385	OR	\$ 770
Total Claims	27 - 20	= 7	x 9 = \$63	OR	x 18 = \$*
Independent Claims	3 - 3	= 0	x 43 = \$0	OR	x 86 = \$*
Presence of Multiple Dependent Claim			+ 145	OR	+ 290
		TOTAL	\$ 448	TOTAL	\$
*If the difference is less than zero, enter "0"					

1. ☐ A check in the amount of \$_____ is enclosed. The Commissioner is hereby authorized to grant any extensions of time and to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required during the entire pendency of this application to Deposit Account No. 16-0631.

2. ☐ Amend the specification by inserting before the first line the sentence: --This is a ☐ Continuation ☐ Division of Application No. _____ filed _____, which in turn is a _____.--
3. ☐ Priority of foreign application(s) No. _____ filed _____ is claimed under 35 U.S.C. § 119. The certified copy was filed in prior Application No. _____ on _____.
4. ☒ The prior application is assigned of record to NeoPhotonics Corporation recorded at Reel 014395, Frame 0720.
5. ☐ An Information Disclosure Statement is enclosed.
6. ☒ Applicant(s) is/are entitled to small entity status in accordance with 37 CFR 1.27.
7. ☐ CD-ROM or CD-R in duplicate, and Compact Disc Transmittal are enclosed.
8. ☒ Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i) (nonpublication).
9. ☒ Address all future communications to:

Patterson, Thunte, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100

Respectfully submitted,

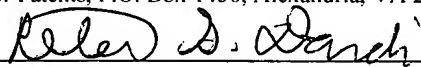


Peter S. Dardi, Ph.D.
Registration No. 39,650

CERTIFICATE OF EXPRESS MAIL

"Express Mail" mailing label number EV 319195275 US. Date of Deposit: April 12, 2004. I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Peter S. Dardi
Name of Person Making Deposit


Signature

EV319195275US

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 3275.06US03

HORNE et al.

Application No.: Unassigned

Filed: April 12, 2004

For: OPTICAL FIBER PREFORMS

REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application, being filed herewith, not be published under 35 U.S.C. 122(b).

Respectfully submitted,



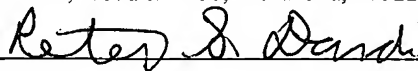
Peter S. Dardi, Ph.D.
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Peter S. Dardi
Name of Person Making Deposit


Signature